NO: 80-1984

OFFICE OF THE
SUPREME COU

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

THE PEOPLE OF THE STATE OF MICHIGAN,

PETITIONER,

VS

ALFRED ARTUSO,

RESPONDENT.

RESPONSE TO PETITION FOR WRIT OF CERTIORARI

WILLIAM R. STACKPOOLE
ATTORNEY FOR RESPONDENT
1916 PENOBSCOT BLDG.
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RESTATEMENT OF QUESTION PRESENTED

MAY A STATE IMPOSE A STRICTER STANDARD THAN TITLE III TO GOVERN A STATE PROSECUTION?

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CASES

People v Beavers, 393 Michigan 554; 227 NW2d 511 (1975) .

People v Livingston, 64 Mich App 247; 236 NW2d 63 (1975)

United States v Hall, 543 F2d 1229 (1976) . . . . . .

RESTATEMENT OF FACTS

The FBI ran a bogus fencing operation in Taylor, M
The Defendant sold to the agents a stolen trailer. Au
video tape mechanisms recorded the Defendant receivin
The sale took place several hours after an appointmen
but no attempt was made by the FBI to obtain a search
Prior to trial, the Defendant moved to suppress the e
but the motion was denied.

REASON FOR DENYING WRIT

The FBI involved themselves in a Michigan prosecu
Defendant was a Michigan resident, the trailer was st
Michigan, and illegally sold in Michigan.

The Petitioner argues that Michigan law should no
The Michigan Supreme Court, in People v Beavers, 393
227 NW2d 511 (1975) held that a participant to a con
may not electronically monitor a conversation which
unless a search warrant has been obtained. People v
64 Mich App 247; 236 NW2d 63 (1975);the Beavers rati
extended to hold that a warrant must be obtained pri
ing a conversation which is preserved for later diss

It is therefore clear, under Michigan law,
such illegally obtained evidence must be suppressed

The People admit that state courts may impose a
dentiary standard than the federal courts. United S

stands for that proposition. The Michigan courts h
impose more stringent requirements, as allowed by
in Hall, supra.

CONCLUSION

It is respectfully submitted that no valid rea
given for plenary review.

William R. Stackpool
Attorney for Respon
1916 Penobscot Bldg
Detroit, MI 48226
965-8650

Dated: June 24, 1981

OCTOBER TERM, 1980

THE PEOPLE OF THE STATE OF MICHIGAN, PETITI

VS

ALFRED ARTUSO, RESPONDENT

PROOF OF SERVICE

STATE OF MICHIGAN) ss
COUNTY OF WAYNE)

WILLIAM R. STACKPOOLE, Attorney

being 1st duly sworn, deposes and says that on the 2

1981, he mailed true copies (2) of his Brief and Mot

in Forma Pauperis, with Affidavit in Support upon Wi

Wayne County Prosecutor, Frank Murphy Hall of Justic

48226, by enclosing same in an envlope clearly addre

named at his above-stated address and by depositing

with postate fully prepaid in the U. S. Mail Chute i

ional Bank Bldg., Detroit, MI.

Further, deponent sayeth not.

William R

Subscirbed & sworn to before
me this June 24, 1981

Marilyn C. Callan, Notary Public, Wayne County, MI
My commission expires: 8/3/83